THE HON'BLE SRI JUSTICE V.V.S.RAO

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WRIT PETITION No.6300 of 2006

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Dated:03.04.2006

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Between:

Munugati Annapurna.

…Petitioner

And

The District Collector, Krishna District and others.

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.6300 of 2006

ORDER:

The petitioner is a resident of Nandigama Village in Krishna District. She filed the instant writ petition seeking a writ of mandamus directing respondent Nos.1 to 7

herein to demolish the constructions made by respondent Nos.8 and 9 in premises No.8/83/2 of Nandigama Village. The petitioner alleges that respondent Nos.8 and 9 made constructions in contravention of Rule 20(2)(i) of the Andhra Pradesh Gram Panchayat Land Development (Layout and Building) Rules, 2002 (for short 'the Rules').

It is the case of the petitioner that she is in possession of house bearing No.8-140 at C.M.Road, Rytupet, Nandigama, Krishna District, which originally belonged to her father, M.Purnachari. She alleges that respondent Nos.8 and 9 started construction of a multistoried building consisting of ground + five floors with 24 flats in the neighbourhood on the eastern side of her house, in contravention of the Rules and the provisions of the Andhra Pradesh Panchayat Raj Act, 1994 (for short 'the Act'). She gave representations to respondent Nos.1 to 7, in vain. Therefore, she filed the present writ petition.

When the matter initially came up before this Court on 31.03.2006, this Court directed the learned Standing Counsel for Panchayat Raj and the learned Assistant Government Pleader for Revenue (General) to get instructions in the matter. After getting instructions in the matter, both the Counsel submit that the Gram Panchayat-Nandigama passed Resolution No.45 on 30.08.2005 according permission to respondent Nos.8 and 9 to make constructions in accordance with law. They also submit that if the petitioner is aggrieved by the permission granted by the Gram Panchayat, there is a remedy of appeal to the District Panchayat Officer under Section 128 of the Act. This is not denied.

In view of the above, the writ petition is disposed of giving liberty to the petitioner to approach the Gram Panchayat for a copy of the resolution/proceedings of the Village Secretary and file an appeal before the District Panchayat Officer within a period of two weeks from the date of receipt of a copy of this order. No costs.

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(V.V.S.RAO, J)

03.04.2006

vs